

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

First Named Inventor: Gerald F. McBrearty

Art Unit 1751

Application No. 09/899,453

Examiner: T. V. Nguyen

Filed: 07/05/2001

Title: PRELIMINARY WORLD WIDE WEB SEARCH OF ATTRIBUTES OF A
PRODUCT THROUGH PREDETERMINED DATABASE SEARCH QUERIES
TO PREDETERMINED DATABASE WEB SITES TO PROVIDE A
PURCHASE PROFILE OF THE PRODUCT OFFERED FOR SALE BY
A WEB PAGE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

The above-identified application became abandoned for the failure to file a timely reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration of the date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

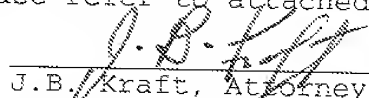
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition Fee \$1,500.00 - The Commissioner is hereby authorized to charge this fee and any additional fees to Deposit Account No. 09-0447.

2. Reply

A Reply to the above-noted Office action in the form of a Corrected Amendment responsive to the Notice of a Non-Compliant Amendment is enclosed herewith.

3. Statement: The entire delay was in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. (Please refer to attached statements.)


J.B. Kraft, Attorney
Reg. No. 19226

Date 3/12/07
Tel. 512-403-2303

(098920010338051)

- Enclosures: 1) Reply to Office action.
2) Statement of J. B. Kraft
3) Statement of Stephanie Arellano

PLEASE MAIL ALL CORRESPONDENCE TO:
Stephanie Arellano, IPLaw Dept. - IMAD 4054, IBM Corporation
1400 Burnet Road, Austin, Texas 78758

PATENT
09/899,453

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 3622
: Examiner: T. V. Nguyen
Gerald F. McBrearty et al. : Intellectual Property
Serial No: 09/899,453 : Law Department - 4054
Filed: 07/05/2001 : International Business
Title: CONDUCTING A : Machines Corporation
PRELIMINARY WORLD WIDE WEB : 11400 Burnet Road
SEARCH FOR ATTRIBUTES OF A : Austin, Texas 78758
PRODUCT THROUGH PREDETERMINED : Customer No. 32,329
DATABASE SEARCH QUERIES TO :
PREDETERMINED DATABASE WEB :
SITES TO PROVIDE A PURCHASE :
PROFILE OF THE PRODUCT :
OFFERED FOR SALE BY A WEB :
PAGE :
Date: 3/12/07 :

STATEMENT FOR PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Stephanie Arellano, declare that:

On or about July 14, 2006, I was employed in IP Law Department of IBM Corporation in Austin Texas as a clerical administrator, for IBM attorney, Marilyn Smith-Dawkins, a position which I retain at present;

On or about July 14, 2006, a Notice of Non-Compliant Amendment mailed from the U.S. Patent Office on July 11, 2006 in the present Patent Application was directed to my attention in my administrative function. The Notice had a

PATENT
09/899,453

short covering memo indicating that the Notice should be forwarded to J. B. Kraft, outside counsel, "ASAP";

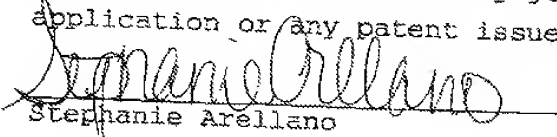
I was new to my administrative function for attorney, Marilyn Smith-Dawkins, and I misinterpreted the covering memo, and I treated the Notice as another paper to be filed. Consequently, I inadvertently put the Notice in a stack of papers to be filed in our office;

On March 1, 2007, in response to a question raised by another staff member of the IBM IP Law department in Austin, I searched for and located the Notice of Non-Compliant Amendment which I immediately forwarded to attorney J. B. Kraft by E-mail;

Subsequently, in response to attorney, Kraft's suggestion that there may be subsequent additional documents from the Patent Office, I located the Notice of Abandonment mailed from the U.S. Patent Office on February 20, 2007, and I forwarded a copy of this Notice of Abandonment to attorney, Kraft by E-Mail on March 4, 2006;

I believe that my misplacement of the Notice of Non-Compliant Amendment which resulted in the Abandonment of the present Application was inadvertent and unintentional;

I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Stephanie Arellano

Date: 03/12/2007

AUS920010338US1

2

PATENT
09/899,453

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 3622
: Examiner:T. V. Nguyen
Gerald F. McBrearty et al. : Intellectual Property
Serial No: 09/899,453 : Law Department - 4054
Filed: 07/05/2001 : International Business
Title: CONDUCTING A : Machines Corporation
PRELIMINARY WORLD WIDE WEB : 11400 Burnet Road
SEARCH FOR ATTRIBUTES OF A : Austin, Texas 78758
PRODUCT THROUGH PREDETERMINED : Customer No. 32,329
DATABASE SEARCH QUERIES TO :
PREDETERMINED DATABASE WEB :
SITES TO PROVIDE A PURCHASE :
PROFILE OF THE PRODUCT :
OFFERED FOR SALE BY A WEB :
PAGE :
Date: 3/12/07 :

STATEMENT FOR PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, J. B. Kraft, the attorney herein, declare that:

I am the attorney herein, an outside counsel for the assignee, IBM Corporation;

All correspondence in this patent application was set up to be mailed from the U.S. Patent Office to the IP Law Department of IBM Corp., Austin Texas, from which it was to be forwarded to me by E-mail for appropriate and timely reply;

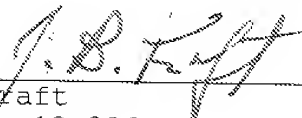
PATENT
09/899,453

On March 1, 2007. Stephanie Arellano, an administrator in the IP law Department of IBM Corp. sent to me by E-mail, a Notice of a Non-Compliant Amendment from the U.S. Patent Office dated July 11, 2006. This was the first time that I was made aware of this Notice;

On March 4, Ms. Arellano also forwarded to me the Notice of Abandonment herein dated February 20, 2007. As soon as I received the Notice of Abandonment, I proceeded to ascertain the facts as set forth in the accompanying Declaration of Stephanie Arellano, and to prepare the accompanying Petition for Revival as soon as possible;

In view of this Declaration and that of Ms. Arellano, it is submitted that the abandonment of the present application was unintentional.

I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



J. B. Kraft
Reg. No. 19,226

Date: 3/12/07